

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MINNESOTA

Cause No: 24-cv-100 SRN/DTS

PRESTON BYRON KNAPP;  
MICHELLE NICHOLE KNAPP.

*Plaintiffs,*

vs.

COMPASS MINNESOTA, LLC;  
DANIEL PHILIP HOLLERMAN (*official and  
individual capacities*).

*Defendants.*

Honorable Judge Susan Richard Nelson  
Magistrate Judge David T. Shultz

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**MOTION TO COMPEL COMMUNICATION WITH ATTORNEY-IN-FACT BRANDON JOE  
WILLIAMS**

COMES NOW, Plaintiff Preston Byron Knapp, pursuant to Minnesota Statute 523 and Local Rule 7.1 and respectfully moves this Honorable Court to compel communication with Attorney-in-Fact, Brandon Joe Williams, and in support thereof, states as follows:

**1. Introduction**

This Motion seeks the Court's intervention to uphold the rights established under Minnesota Statute 523, which allows for the designation of an Attorney-in-Fact to act in a fiduciary capacity on behalf of the Principal, Preston Byron Knapp.

**2. Meet-and-Confer Statement**

In compliance with Local Rule 7.1, the parties convened on February 20th, 2024, to resolve the matter without court intervention. Despite these efforts, no resolution was reached

concerning the recognition and communication with Brandon Joe Williams, Attorney-in-Fact for Preston Byron Knapp, necessitating this Motion for the Court's assistance.

### **3. Background**

Preston Byron Knapp has duly appointed Brandon Joe Williams as his Attorney-in-Fact through a fully executed Power of Attorney. This refusal by Defendant Hollerman's counsel to communicate with Mr. Williams, under the claim that he is not a "licensed attorney," obstructs Mr. Knapp's statutory rights and due process.

### **4. Argument**

Minnesota Statute 523 explicitly permits the appointment of an Attorney-in-Fact to perform duties on behalf of the Principal. The non-recognition of Mr. Williams as Attorney-in-Fact for Mr. Knapp contravenes the statute and denies Mr. Knapp his legal rights and due process, requiring the Court's intervention.

### **5. Relief Sought**

Plaintiff requests the Court order Defendant Hollerman's counsel to recognize and communicate with Brandon Joe Williams, Attorney-in-Fact for Preston Byron Knapp, ensuring Mr. Knapp's rights are protected.

### **6. Statutory Penalties for Refusing Attorney-in-Fact's Authority**

Minnesota Statute 523.20 delineates the liabilities for refusing an Attorney-in-Fact's authority, underscoring the legal and financial repercussions of such refusal. This statute mandates acceptance of the Attorney-in-Fact's authority, subject to strict statutory criteria, with liabilities for non-compliance, emphasizing the necessity of Court intervention in this case.

### **7. Conclusion and Relief Sought**

Given the provisions of Minnesota Statute 523.20 and the compliance of the Power of Attorney with statutory requirements, Plaintiff reiterates the request for the Court to compel Defendant Hollerman's counsel to acknowledge and communicate with Mr. Williams, safeguarding the Principal's rights.

**WHEREFORE**, Plaintiff, Preston Byron Knapp, respectfully requests that this Honorable Court grant the Motion to Compel Communication with Attorney-in-Fact, Brandon Joe Williams, and grant such other and further relief as the Court deems just and proper.

Dated: February 20<sup>th</sup>, 2024

RESPECTFULLY SUBMITTED,

BY: /s/ Preston Byron Knapp  
Preston Byron Knapp  
Plaintiff, Pro Se  
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**Certificate of Service**

Plaintiffs certify that on February 20<sup>th</sup>, 2024, the foregoing *Motion to Compel* was filed with the Clerk of this Court via ECF. We further certify that, on the same date, the same document was served on Counsel listed below via electronic email.

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